



Ending the criminalisation of children in residential care

Briefing three: 'Hearts and heads' — Good practice in children's homes

Howard League for Penal Reform

Key points

- Children in children's homes are being criminalised at excessively high rates compared to other children.
- The structure of the children's homes 'market' in England means that ultimate responsibility for tackling this problem lies with the large private companies who own the majority of homes and with local authorities who are the corporate parents.
- We have identified some core principles that can help protect children from criminalisation. We group these into two categories: 'hearts' and 'heads'.
- The 'hearts' principles consider the emotional needs of children and include: a child-centred culture which is opposed to criminalisation; good parenting and the question "Would this be good enough for my child?"; a homely environment; listening to children and treating them with dignity and respect.
- The 'heads' principles deal with the business side of running a home and include: robust matching and managing of moves to provide stable placements; valuing, training and supporting staff; protocols to prevent unnecessary use of the police.

Introduction

Children living in residential care are at least 13 times more likely to be criminalised than all other children (Howard League, 2017a). Tackling this disproportionality requires us to look much more broadly than at an individual care worker's decision to call the police; the complexity of factors contributing to criminalisation (Howard League, 2017a) indicate that every single aspect of care has the potential to protect children or to make it more likely that they will be criminalised.

Our programme of change

Over the last two years, we have conducted extensive qualitative research on good practice in the prevention of criminalisation of children in residential care. Among the several hundred people we have spoken to are the owners and staff of private, voluntary and local authority homes and children and young people who are, or who have recently, lived in children's homes. This report is based on our research findings. Direct quotes from many of our interviews and meetings are used throughout to illustrate and augment the points we make.

We have worked closely with the Department for Education and Ofsted to drive meaningful change in practice and regulation. This has resulted in new requirements from April 2018 to provide details of police call-outs on Ofsted's pre-inspection questionnaire (Annex A) and a new National Protocol to reduce the unnecessary criminalisation of children in care and care leavers, which is expected to be published later this year.

A principled approach

This report sets out some core principles that should be applied in all children's homes to help protect children from unnecessary criminalisation; many echo government guidance to the Children's Homes Regulations and quality standards (2015). We do not look specifically at behaviour management techniques or restorative approaches. The focus is on providing some foundational elements that will improve the emotional well-being of abused and traumatised children with a view to improving behaviour and reducing the need for these interventions.

Corporate responsibility

Some of the responsibility for effecting these principles will, of course, lie with children's

homes managers and their staff. The structure of the children's home sector in England means, however, that the power to implement these recommendations ultimately rests with the owners of the homes rather than the staff working in them.

Private companies own nearly three quarters of the children's homes in England (Ofsted, 2017a); the remainder are run by the voluntary sector and local authorities. Demand is outstripping supply and, as the number of local authority-run homes continues to fall, the private sector, particularly the larger companies, are stepping in to meet market demand. On 31 August 2017, 43 private companies ran 41 per cent of all children's homes in England, with approximately 17 per cent of all homes owned by the five largest companies (Ofsted 2017b). Only 14 per cent of privately-owned homes were given an Overall effectiveness judgement of outstanding by Ofsted in the financial year 2016-17, compared to 25 per cent and 19 per cent respectively for local authority-run and voluntary-run homes (Ofsted, 2017a). Ofsted management reports show that ratings within groups of homes owned by the larger organisations are often variable (Ofsted, 2018). These private companies have a responsibility to put their duties to the vulnerable children in their care above their shareholders and profit margins, and to embed the principles we recommend throughout their organisations to provide the highest possible quality of care in all their homes.

Local authorities, as corporate parents, are legally required to ensure that the homes they are placing children in are complying with their obligations, even if those homes are hundreds of miles away. Local authorities should be routinely asking for balance sheets from providers, which clearly show how the money they have received for each child has been spent and how much profit has been made.

Systemic issues

The homes are only part of a wider picture. In our last briefing we looked at best practice in the policing of children's homes (Howard League, 2017b). There are also broader systemic issues which contribute to criminalisation (Shaw, 2017). For example, the market forces which lead to children's homes opening in disadvantaged areas, the number of children being placed out-of-area, frequent changes of social workers and lack of support

from statutory services, particularly Child and Adolescent Mental Health Services (CAMHS), all require efforts by children's homes and their owners to counter the effects on children.

These kinds of systemic issues are impacting on children's emotional well-being and they are making it easier for criminals, including county lines gangs, to target and exploit children in residential care. While Ofsted regulates standards of service provision, there is no national lead or direction on how the sector develops or operates as a whole and there is a worrying lack of oversight and transparency. Central government needs to take more interest in how perverse outcomes develop when the 'market' in residential care is not properly regulated and of other contributory causes to the criminalisation of children in the care of the state.

Hearts and heads

This report divides the core principles we have identified into two categories: 'hearts' and 'heads'. The 'heads' principles deal with the business side of running a children's home, and relate to things like placements, staffing and police contact. The 'hearts' principles consider the emotional needs of children. We start with 'hearts' as it is these principles which should inform everything a children's home is and does. Homes and owners that focus on the 'hearts' have child-centred cultures that baulk at the thought of criminalising children.

Hearts

As part of the Howard League's participation programme with children detained in and recently released from penal custody, we worked with nearly 10 per cent of the children in prison to find out what they wanted from 'home'. The findings showed that the children and young people were not concerned about material things, they wanted affection and kindness and patience so they could grow through their challenges and thrive (Howard League, 2018). These findings are supported by participation work we have done with children in residential care.

Parenting

I always ask myself, 'What would I do if this was my own child?' I wouldn't call the police on my child.

Children's home worker

Good children's homes parent children. It's that straightforward. The job of a care worker is that of 'professional parent'; this isn't good enough parenting, it is parenting to the highest possible standard. It should, as one academic points out, "set a benchmark for parenting standards that all parents should look to" (Day, 2018).

One boy told me, 'My mum used to put my pants and vest on the radiator in the morning.' I thought, 'That's the sort of thing parents do and that is the sort of thing I should be doing for these boys'.

Children's home worker

Good parents care about and nurture their children; they show their children love and acceptance; they give them confidence to go out in the world knowing someone has their back; they put structures and boundaries in place; they are their children's champion pushing for any additional support they need; they prepare their children for independence but don't force this on them prematurely; and they fight for all their children to get an education as they know how this will affect their life outcomes. A professional parent should always be asking themselves, "Would this be good enough for my child?"

Love

Like my whole life I just felt like I had never been loved. Obviously, it's just like hard. That is what kids in care need. They need a sense of love.

Care-experienced 23-year-old young man and former prisoner

Young people who have been in care have told us that in some homes they felt unloved and uncared for. We hear often, also, of children sensing that, not only are they unloved, but they are actively disliked by the professionals who are supposed to be supporting them. Feeling unloved and disliked profoundly damages children.

Good children's homes understand how important it is for children to feel love and acceptance and how this can impact on behavior. As one manager told us, "If children feel safe, loved and cared for they explore their trauma without acting out".

Relationships between staff and children

Children in care report that stability and being able to build consistent relationships with carers (and others) is what makes the most difference to their lives (Children's Commissioner, 2017). We heard that strong relationships between staff and children lead to improvements in behaviour. If things go wrong or behaviour deteriorates, having that relationship in place can make the difference between the incident being brought under control and the police being called.

Be honest with the kids: you need to have complete honesty and transparency the minute they walk through the door.

Children's home manager

Good relationships require honesty and this is particularly important when parenting children who have been repeatedly let down by adults and consequently struggle to trust.

Sometimes staff need to apologise for something they have done that has set the young person off.

Children's home manager

Good relationships also require a levelling of the power imbalance that exists in homes, so that children perceive that they are being treated fairly and in a way that allows them to feel they have some control.

Working with local authorities

Children's homes are in co-parenting relationships with local authorities. We hear that these relationships are often fraught and difficult, particularly when children have been placed out-of-area. The best providers find ways of working through the difficulties to build strong relationships because they know that this is in the best interests of the children in their care.

A place to call home

I'm coming to work in their home; they're not living in my office.

Children's home worker

Good children's homes feel like comfortable homes, not like offices. They have photos, artwork and achievement certificates on the walls and fridge door, they have lampshades and rugs, hygienic bathrooms, personalised bedrooms, piles of toys and slippers by the front door for children to slip on when they get back from school. They do not have a noticeboard in the hallway covered in health and safety posters

and social services leaflets, strip lighting, prominent 'Fire Exit' signs or locked doors labelled 'Staff Only'.

Keep the house nice and if something gets broken, for whatever reason, replace it.

Children's home manager

Many of the children who took part in the Howard League research referred to above mentioned the importance of warmth and comfort to feelings of 'home' (Howard League, 2018). This point was reiterated by a therapist who told us of the difference it can make to children in residential care to have a comfy bed with decent sheets and a fluffy towel from a tidy airing cupboard for their morning shower.

The kind of environment we provide for children and the care that is put into it speaks volumes about how much, or otherwise, children are valued and it impacts on children's self-esteem, their aspirations and on their behaviour. Children are much less likely to damage property in a home they respect and have invested in.

New homes for Hampshire children

Hampshire County Council has knocked down three quarters of all its old children's homes and replaced them with brand new properties designed with input from children. Children said they wanted a proper front door, a fireplace, en-suite bedrooms and for the offices to be outside the living part of the house. Alongside this financial investment, Hampshire adopted the Pillars of Parenting model which teaches staff to care about children rather than just caring for them. One manager described it as "corporate parenting with warmth". Long-term staff feel that this has transformed their practice including their approach to calling the police.

Food

I have come home from school only having eaten a sandwich and I have got vegetable curry for dinner. It took me two months to get them to get me a loaf of white bread. I've grown up for 15 years eating white bread and I don't like brown bread. I can't have a slice of toast, I don't have bags of crisps. They lock the big kitchen at 10. If I come home at 11 when I am supposed to, then I haven't eaten since 6 and I'm hungry.

15-year-old boy in his first children's home

Food is a big issue. So many of the low-level incidents we hear about that have led to criminalisation have started with disputes over food. Parents do not lock fridges and kitchens; they factor their children's preferences into food shops; they have snacks available for hungry teenagers; they encourage healthy eating but allow treats; and they don't let children go hungry or force them to eat meals they wouldn't touch themselves.

Normality

She created a culture. It was very much a culture of these are normal kids. Like she never used a consequence book. It was, 'you are grounded and no, I am not giving you any money'. You know what I mean? Just normal parenting.

Care-experienced 18-year-old young woman

Good children's homes try to give children normality in what are likely to have been chaotic lives. They strive to implement routines and other elements of a normal childhood.

We got him all the kit, no expense spared. When he got to the camp all the other kids came over to talk to him because he looked cool.

Therapist working in children's homes

Normality means children in residential care having all the things 'normal' children have - school trips, playdates - including sleepovers and birthday parties - fish and chips on the beach, muddy walks, seeing their football team play live, holidays by plane, taking their driving test, celebrating religious and other festivals in accordance with their backgrounds and interests. It means children having clothes and possessions that allow them to explore and express who they are and fit in with their peers. If they are constantly made to look and feel like a 'care kid' then it is much less likely that they're going to want to go to school, mix with peers outside of the home or engage in purposeful activities in the community.

Self-identity and self-esteem

Children in care need a sense of what they can do, a sense that someone believes in them and that they can help and should believe in themselves. Know what I mean?

Care-experienced 23-year-old young man and former prisoner

Children in care report feeling stigmatised, labelled and treated as a homogenous group (Baginsky et al, 2017). Contact with the criminal justice system is another negative label children very often internalise until it becomes who they are. Research with care-experienced children who have also been in contact with the criminal justice system reported that children describe themselves as "bad", "fucked up" or "insane" (Day, 2017). Good homes help children reject these labels and develop positive identities which raise self-esteem and enable them to imagine an alternative future that they care about achieving.

Listening to children

It changes everything if you get a good worker that listens to your views and opinions, because if your views and opinions are listened to then you are not going to behave in such a difficult manner.

Care-experienced 18-year-old young woman

Good children's homes treat children respectfully and with dignity. This starts with listening to children and either acting on what they say or explaining to them why you cannot do what they have asked for.

Co-production at St Christopher's

When they've said something they feel like they've been listened to and something's happened. If young people feel involved with even the smallest thing they feel part of it.

Children's home manager, St Christopher's

Co-production is about working with people who use services as equal partners in the design, development, commissioning, delivery and review of those services (SCIE, 2018). St Christopher's, a voluntary sector children's homes provider, has two full-time participation officers. They use participation and co-production techniques to make changes in homes based on what children say they want. Children reported that they were fed up with the staff reading negative things about them that painted a false picture of who they were. They created a template file note for describing themselves in their own words, their good points and their likes and dislikes. They also made a section for what a bad day looked like for them with some pointers for staff on how to deal with that. Their work was placed at the front of the file so that it was the first thing to be read by anyone who picked up the file.

Heads

Placement

Placement moves need to be managed and trained for and expected. It's tough bringing groups of young people together. You need to be able to take account of the other people in the home and the facilities and resources that are available.

Director of Children's Services

Responsible owners will implement robust strategies for ensuring that new children are well matched to homes and the other children already living in them. Emergency placements should be avoided wherever possible and there should be a focus on the importance of providing stability for children (Children's Commissioner, 2018).

Paperwork about children tends to be inaccurate, out-of-date, judgmental and incomplete. Sometimes we get really good information and that's so helpful.

Senior Manager, children's home provider

Referral forms are notoriously poor. Good owners will train staff responsible for managing new placements to 'dig deep' to build up a true picture of the child by obtaining other relevant documentation and speaking to people who know the child, such as their social worker and teachers. Children already living in the home and the staff team should be asked for their views, so that they feel listened to and part of the decision-making process (see Moodie and Nolan, 2018).

If organisations are willing to take children in inappropriately this can exacerbate problems for other kids and lead to criminalisation.

Managing Director, children's home provider

There is pressure on children's homes, particularly the privately-run homes, to fill beds. Responsible owners work with managers to allow beds to be kept empty if necessary while appropriate matching procedures are followed.

I just wanted to get out and that's all I can remember feeling. It was just such a crazy experience.

Care-experienced 18-year-old young woman

Children report that placement moves can be "scary" (Selwyn et al, 2018). Missing incidents and behavioural issues leading to criminalisation often occur around moves.

Placement moves need to be carefully managed to make sure that the new child and other children already in the home are prepared and their individual needs considered.

Staff

It's a really bizarre job. Sometimes you're out mountain biking or at the cinema and you can't believe someone is paying you for it and then you're up at 4am dealing with a child who's threatening you.

Children's home manager

A good staff team, with a mix of personal qualities, is essential to providing the culture and care that protects children from being criminalised. Successful homes have strong, skilled managers who are capable of bringing together a team and acting as champions for staff as well as for children.

It's complex to develop the right culture with the right team and that's your biggest challenge.

Senior Manager, children's home provider

Staff in children's homes are frequently poorly paid and qualified. Recruitment is difficult given the low pay, challenging work and poor image of the sector and many homes rely on agency staff.

There are often agency staff on duty who don't know the child or his history and who don't have the training to deal with what's happening.

Social worker

Good homes and owners challenge the orthodoxies to create effective, stable staff teams. Employers need to show staff that they are valued, they need to provide training and structures to generate confidence and competencies for the challenging role staff are being asked to fulfil and they need to build corporate cultures which enable staff to feel that they are making a difference and to have pride in the work they do.

Owners should enforce rigorous recruitment procedures so that children's homes are only staffed by people who care about and want to work with complex children. There are unsuitable and even abusive people working in the sector and we support the recommendation of the Independent Inquiry into Child Sexual Abuse (2018) that staff working in care roles in children's homes

should be required to register with an independent body that oversees standards within the profession.

Debate about the need for qualifications is unresolved, with many emphasising the value of personal qualities and experience. There is consensus, however, that all children's home staff need to have sufficient, relevant, ongoing training that enables them to understand, support and manage the high levels of need of children in residential care. We hear of residential care workers that do not have the most basic understanding of the trauma children are dealing with and who have not been trained to manage challenging behaviour.

I just don't think staff are trained enough. The smallest little thing and they call the police... Some of them have literally come from ... one worked in a bar. One worked in a call centre and they have come straight in and got the job. No training whatsoever and they just go, there is the kids, good luck.

Care-experienced 17-year-old girl

Owners also need to provide adequate support for their staff. There should always be someone on call; when staff feel isolated and frightened, particularly at night (night-time staff are often the most poorly paid and the most unqualified staff in a home), that is when they pick up the phone and call the police. Responsible owners provide their staff with additional support as needed, including access to counsellors and therapists.

Sometimes it is just having someone to call who will understand and say, 'I know what you're going through. I've been there and it's awful'.

Children's home manager

Police

Yes, I am being a little shit and yes it's three in the morning. You probably want to go to bed. I am dealing with something right now. If you could just shut up and let me have my hissy fit, thanks, instead of calling the police.

Care-experienced 18-year-old young woman

All owners should have protocols in place in their homes which set out what staff need to do and think about when considering whether to call the police and staff should be trained on what constitutes appropriate and inappropriate use of the police. The police should only be called immediately in an emergency situation;

at other times staff should be required to talk the matter over with the on-call manager and to have a 'cooling off period' before making any decisions.

I'll say to staff, 'What do you want the police to do? Do you want them to come in and do your job for you?'

Children's home manager

Staff should be aware of the child's background, the potential reasons for their behaviour and the consequences, including the life-long criminal record consequences (see Stacey, 2018), of calling the police for that child before they make the call. Records should be kept and incidents analysed so that contact with the police can be properly monitored. It should be standard procedure that the actions of both staff and children are reviewed after an incident.

Missing incidents

Be more supportive and ask why we ran away and don't take our valuables away from us when we go missing because we have reasons why we run away.

16-year-old girl living in a children's home

When a child goes missing, what does a good parent do? In the first instance they will try to make contact with their child, they might call round friends and places they think their child might have gone to and they might drive round to look for them. If they find out where they are they will either go and pick them up or send a taxi. If they assess that their child is at risk, then it is at that point that they will call the police. Children's homes staff should respond as parents would based on an individualised risk profile for each child. They should have sufficient staff available day and night to be able to be able to deal with non-emergency situations without involving the police.

Police officers do not belong in children's homes

Police involvement with children's homes should be minimised. It is not normal for a police officer to come round to a child's house for tea even if he has changed into a t-shirt and jeans. The police do not need to make friends with children, they should not be coming to homes to gather intelligence and they should not be used for behaviour management or control purposes.

We don't believe in unnecessary police contact. A child should be able to have a good enough relationship with a member of staff to disclose concerns. We would not rely on the police for this kind of safeguarding work.

Senior Manager, children's home provider

Research indicates that unnecessary police contact with children perceived to be at risk of police involvement, even where that contact is made with the best of intentions, can contribute to a process of 'informal' criminalisation, resulting in repeated and amplified contact with the criminal justice system (McAra and McVie, 2010). If homes do have to work with the police, for example, to manage specific safeguarding risks, wherever possible this should be done away from the home, so that the police are not coming into unnecessary contact with any child living in the home.

Children's homes should never automatically inform the police about every child who moves in. If that child is not a risk or at risk there is no reason why the local police should be informed of their existence. A child's name should not be on a police database just because they live in a children's home.

Conclusion

It all comes down to that simple question, "What would I want for my child?" In good homes, children are not being unnecessarily criminalised. Instead they are being loved, cared for, nurtured and supported to move on from trauma and to be able to look more positively to the future.

About the programme to end the criminalisation of children in residential care

The Howard League's programme to end the criminalisation of children in residential care has now published three briefings examining different aspects of the issue.

The first briefing, published in July 2017, told the stories of several children supported by the charity and outlined the issues children criminalised in residential care face.

The second briefing, published in December 2017, highlighted the challenge facing police forces and explored examples of best practice in policing.

This third briefing on good practice in children's homes, including references, is available at www.howardleague.org.

The programme also has a blog which will expand on some of the issues raised in this briefing and provides a forum for comment: www.howardleague.org/criminalcare.

About the Howard League for Penal Reform

The Howard League is a national charity working for less crime, safer communities and fewer people in prison.

We campaign, research and take legal action on a wide range of issues. We work with parliament, the media, criminal justice professionals, students and members of the public, influencing debate and forcing through meaningful change.

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Registered charity
No. 251926
Company limited by
guarantee No. 898514

ISBN 978-1-911114-24-6



9 781911 114246 >
ISBN 978-1-911114-24-6
2018